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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,573	03/10/2000	Rex A. Naden	73169	5871
4586	7590	09/08/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			BAROT, BHARAT	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/523,573

Applicant(s)

NADEN ET AL.

Examiner

Bharat N Barot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

RESPONSE TO RCE

1. Claims 1-34 remain for further examination.

The new grounds of rejection

2. Applicants' amendments and arguments with respect to claims 1-34 filed on August 05, 2004 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The amended independent claims 1, 11, and 21 contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Amended independent claims 1, 11, and 21 contain the limitations as the operable coupling of first and second units over a direct wireless link, and the pre-configured operation of such units in proximity-responsive manner; and the

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transmission of appropriate data is effected over the wireless link automatically, without user intervention.

Specifically, the first unit is pre-configured to operates in proximity-responsive manner to automatically transmit without user intervention a request signal from the first transceiver to the second transceiver over the wireless link; and the second unit is pre-configured to operates in proximity-responsive manner to automatically access data at the transmitter without user intervention for transmission to the receiver over the wireless link not properly described in the application as filed, and specification lacks of when and how the pre-configuration take place in proximity-responsive manner to automatically access or transmit data without user intervention over the wireless link.

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al (U.S. Patent No. 5,732,216). Logan's patent meets all the limitations for claims 1-34 recited in the claimed invention.

7. As to claim 1, Logan et al disclose a communications system (see abstract; and figure 9), comprising:

a first unit (players) including a first transceiver, a first memory and a first CPU, the first CPU operating to access data at the first transceiver and at the first memory (figure 1; and column 3 line 22 to column 4 line 37);

a second unit (host server) including a second transceiver for operable coupling to the first transceiver over a wireless link, a second memory and a second CPU, the second CPU operating to access data at the second transceiver and at the second memory (figure 1; column 4 line 39 to column 5 line 45; and column 6 lines 36-58),

wherein the first CPU operates to transmit a request signal from the first transceiver to the second transceiver over the wireless link, the second CPU responds to receiving the request signal at the second transceiver by accessing a data file at the second memory and transmitting the data file from the second transceiver to the first transceiver over the wireless link, and the first CPU responds to receiving the data file at the first transceiver by storing the data file at the first memory (figure 1; and column 5 lines 46 to column 6 line 26).

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8. As to claims 2, 4, 6, and 9, Logan et al disclose that at least-one of the first unit and the second unit is included in a vehicle, and the request list is generated by a voice-activated system, the wireless link being established responsive to the first and second units being disposed within a predetermined proximity one relative to the other (figure 1; column 3 lines 32-37; and column 6 line 36 to column 7 line 2).

9. As to claims 3, 7, and 10, Logan et al disclose that the data file includes compressed audio and music (MP3-formatted music), and the first unit includes a music player (figure 1; column 3 lines 24-40; column 3 line 55 to column 4 line 16; column 4 lines 40-58; and column 5 lines 16-32).

10. As to claim 5, Logan et al disclose that the request signal includes a request list, the request list comprising an identifier for a program, and the data file accessed by the second CPU includes data for the program identified by the identifier (figures 4-5; column 5 lines 6-15; column 7 line 51 to column 8 line 7; column 13 lines 56-63 line 62 to column 18 line 40; and column 21 line 64 to column 22 line 9).

11. As to claim 8, Logan et al disclose that the request signal is sent in a continuous mode, and the second transceiver responds to receiving the request signal when the request signal is received at a sufficient strength (figures 1-2; and column 7 line 5 to column 8 line 60).

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12. As to claim 11, Logan et al disclose a communications system (see abstract; and figure 1), comprising. -

a first unit (player) including a receiver, a first memory and a first CPU, the first CPU operating to access data at the first receiver and at the first memory (figure 1; and column 3 line 22 to column 4 line 37);

a second unit (host server) including a transmitter for operable coupling to the receiver over a wireless link, a second memory and a second CPU, the second CPU operating to access data at the transmitter and at the second memory (figure 1; column 4 line 39 to column 5 line 45; and column 6 lines 36-58),

wherein the second CPU includes an agent (HTML/FTP server program that generates a request signal, the second CPU responds to the request signal by accessing a data file at the second memory and transmitting the data file from the transmitter to the receiver over the wireless link, and the first CPU responds to receiving the data file at the receiver by storing the data file at the first memory (figure 1; and column 4 line 40 to column 6 line 26).

13. As to claims 12-20, they are also rejected for the same reasons set forth to rejecting claims 2-10 above.

14. As to claims 21-30, they are also rejected for the same reasons set forth to rejecting claims 1-10 above, since claims 21-30 are merely a method of operation for the apparatus defined in the apparatus claims 1-10.

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15. As to claim 31, Logan et al disclose that the first storage unit is included in a vehicle; and the second storage unit is included in a fixed unit (figure 1; and column 3 lines 32-37; and column 6 line 36 to column 7 line 2).

16. As to claim 32, Logan et al disclose that the data file includes compressed audio and music (MP3-formatted music), and the first unit includes a music player (figure 1; column 3 lines 24-40; column 3 line 55 to column 4 line 16; column 4 lines 40-58; and column 5 lines 16-32).

17. As to claims 33-34, Logan et al disclose that the fixed unit is a dwelling unit or a commercial unit (column 6 line 36 to column 7 line 2).

Contact Information

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (703) 305-4092. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, can be reached at (703) 308-6662. A central official fax number is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

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Bharat Barot.

**BHARAT BAROT
PRIMARY EXAMINER**

Patent Examiner Bharat Barot

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May 03, 2004